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HARRISBURG, PA  
SEP 03 2002  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MAUREEN L. KRAUSE, :  
:  
Plaintiff :  
:  
v. : NO. 1:00-CV-1922  
: (Magistrate Judge Smyser)  
GERALD K. KRAUSE, SR., dec'd,  
et al, :  
:  
Defendants :

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Defendants respectfully moves, as permitted by Rule 56(b) of the Federal Rules of Civil Procedure, for entry of summary judgment in favor of Defendants as to each of Plaintiff's claims, and in support thereof, aver the following:

1. As to Plaintiff's claim for benefits from the estate of Gerald Krause, no genuine issue as to any material fact exists and Defendants are entitled to judgment as a matter of law.
2. As to Plaintiff's claim for benefits from Barbara Krause, widow of Gerald

Krause, no genuine issue as to any material fact exists and Defendants are entitled to judgment as a matter of law.

3. All of Plaintiff's claims are barred by the doctrine of laches and Defendants are, therefore, entitled to judgment as a matter of law.

WHEREFORE, Defendant respectfully moves for entry of summary judgment in favor of Defendants and against Plaintiff as to each of Plaintiff's claims and further moves that this Honorable Court award Defendants costs, interest, and attorney's fees as permitted by §502(g)(1) of the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C.A. §1132(g)(1).

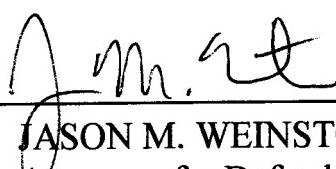
Respectfully Submitted,

**IRA H. WEINSTOCK, P.C.**  
800 North Second Street  
Harrisburg, PA 17102  
Phone: (717) 238-1657

By:

  
JEFFREY R. SCHOTT

By:

  
JASON M. WEINSTOCK  
Attorneys for Defendants

**CERTIFICATE OF SERVICE**

I, Jeffrey R. Schott, Esquire, hereby certify that on the date stated below I served DEFENDANTS' MOTION FOR SUMMARY JUDGMENT on the person named below, at the stated address, by first class postage paid United States mail.

Joseph M. Hill, Jr., Esquire  
124 South 8<sup>th</sup> Street  
Lebanon, PA 17042

Dated: September 3, 2002



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JEFFREY R. SCHOTT